

### C. REMARKS

#### *Status of the Claims*

Claims 1, 4-8, and 32 are currently pending. Claims 2, 3, and 9-31 are canceled. Claims 1, 4, 5, 7, and 8 are amended.

In this Amendment, Applicants have amended claims 1, 4, 5, 7, and 8 and canceled claims 2, 3, and 9-31 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 1-31, prior to the Amendment, is not patentable. Claims 1, 4, 5, 7, and 8 were amended and claims 2, 3, and 9-31 were canceled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicant respectfully reserves the right to pursue additional claims, including the subject matter encompassed in claims 1-31, as presented prior to this Amendment and additional claims in one or more continuing applications.

In addition, Applicants note that claim 1 is amended to incorporate elements fully taught in the specification or in the previously recited dependent claims, therefore no new matter is added through the amendment to the claims. For example, paragraphs 0057, 0068, and 0069 of the specification of the present application teach receiving, at a primary player, a separate user preference from each of a first secondary player and a second secondary player within a wireless broadcast range of said primary player and selecting, by said primary player, a first electronic work from among a plurality of electronic works to broadcast based on each separate user preference. In addition, paragraphs 0052-0054 of the specification of the present application, for example, teach broadcasting, by said primary player, said first electronic work and at least one digital rights rule for use of said first electronic work within said wireless broadcast range. Paragraphs 0044-0047 and 0052-0054 of the specification of the present application, for example, teach receiving said wireless broadcast of said first electronic work and said at least one digital rights rule from said primary player at each of said first secondary player and said second secondary player, wherein each of said first secondary player and said second secondary player is a portable player moving into said wireless broadcast range of said primary player. Paragraphs 0052, 0053, 0056, and 0064, for

example, teach allowing playback of said first electronic work at each of said first secondary player and said second secondary player synchronous with said wireless broadcast of said first electronic work. Paragraphs 0058, 0071, and 0089 of the specification of the present application, for example, teach responsive to a playback of said first electronic work at said first secondary player, prompting a first recipient of said first electronic work at said first secondary player to rate said first electronic work; responsive to said first recipient specifying a first rating for said first electronic work at said first secondary player, transferring said first rating from said first secondary player to said primary player; responsive to a playback of said first electronic work at said second secondary player, prompting a second recipient of said first electronic work at said second secondary player to rate said first electronic work; and responsive to said second recipient specifying a second rating for said first electronic work at said second secondary player, transferring said second rating from said second secondary player to said primary player. Paragraphs 0047, 0069, 0070, 0098, and 0099 of the specification of the present application, for example, teach responsive to said primary player receiving at least one of said first rating and said second rating of said electronic work from said secondary player, dynamically adjusting a next electronic work selected for broadcast to reflect each said separate user preference updated by said at least one of said first rating and said second rating of said first electronic work.

Claims 5, 7, and 8 are amended to maintain antecedent basis in view of the amendment to claim 1, and no new matter is added through the amendments.

Claim 4 includes elements receiving said at least one digital rights rule at said first secondary player wherein said at least one digital rights rule specifies a minimum favorable rating and responsive to said first recipient rating said electronic work with a first rating at said first secondary player wherein said first rating meets said minimum favorable rating, triggering a purchase offer for said first electronic work when said first secondary player is connected to a network enabling access to a purchase server, which are taught throughout the specification, and for example, in paragraphs 0049,

0050, 0059, and 0073 and in claim 1 as originally filed, therefore no new matter is added through the amended claim.

Claim 32, which is newly added, includes elements responsive to said first secondary player still within said wireless broadcast range of said primary player, transmitting said first rating from said first secondary player to said primary player over a local wireless network connection established between said first secondary player and said primary player and responsive to said first secondary player outside said wireless broadcast range of said primary player, reporting said first rating from said first secondary player to a server system via a network connection, wherein said server system monitors ratings for broadcasts of said first electronic work, which are taught throughout the specification, and for example, in paragraphs 0060, 0061, and 0063, therefore no new matter is added through the newly added claim.

Applicants respectfully request an expeditious examination and allowance of the pending claims.

### ***Conclusion***

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

No extension of time is believed to be necessary. If, however, an extension of time is required, the undersigned hereby authorizes the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

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